

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

GLORIA JONES,)	
Plaintiff,)	
)	
v.)	Cause No.: 2:15-CV-14-PPS-PRC
)	
HORSESHOE CASINO, SUSPA, INC.,)	
and GASSER CHAIR COMPANY,)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on a Motion for a Protective Order [DE 47], a Motion to Lift the Stay [DE 48], and an Amended Motion for a Protective Order [DE 49], all filed on May 14, 2015, by Defendant Gasser Chair Company (Gasser). No responses have been filed, and the time to do so has passed.

I. Motion for Protective Order

Plaintiff alleges that she was injured at the Horseshoe Casino in Hammond, Indiana, when a gas cylinder component in the chair she was sitting in failed, causing the seat of the chair to abruptly descend. Gasser represents that Plaintiff has issued a subpoena to take control of the chair in order to do testing. Gasser represents that it has made verbal and written requests to Plaintiff's counsel, asking for a protocol from Plaintiff's expert as to what the expert would like to do to the chair, including any proposed destructive testing. Plaintiff has not responded.

Gasser contends that "Plaintiff should not be able to alter the chair in anyway [sic] without the express agreement of the Defendants." DE 49. And it therefore asks that a protective order be entered requiring all parties to consent to any destructive testing before such testing may be done.

The Court, noting the lack of objection, finds that good cause supports the request. The chair is a crucial piece of evidence and destructive testing by one party could result in unfairness or

unnecessary expense. *See* Fed. R. Civ. P. 26(c). The Court hence **GRANTS** the Amended Motion for a Protective Order [DE 49] and **ORDERS** that no party may perform any destructive testing on the chair in which Plaintiff was injured without first obtaining the consent of all other parties or, alternatively, a court order authorizing the testing. The Court **DENIES as moot** the Motion for a Protective Order [DE 47].

II. Motion to Lift Stay

Gasser has asked Defendant Horseshoe Casino for video footage of the alleged accident as well as for leave to inspect the chair in which Plaintiff was hurt. This case is stayed as to Defendant Horseshoe Casino because it is currently in bankruptcy, and it has accordingly refused to honor these requests. Gasser asks that the stay be lifted for the limited purpose of Horseshoe Casino producing the footage and allowing the inspection. The one-page motion, however, does not provide any legal authority for the propriety of this request, and the Court therefore **DENIES** the Motion to Lift the Stay [DE 48].

SO ORDERED this 9th day of June, 2015.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES MAGISTRATE JUDGE